

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KIMBERLY HYATT,

Plaintiff,

-v-

ROSE ASSOCIATED INC.; ROSE ASSOCIATE  
CAPITAL GROUP LLC; AMY ROSE; FRANK  
BALOGH; KATHY PANARO; ADAM HEAVEN; and  
KYLE MALDINER,

Defendants.

23 Civ. 3050 (KPF)

**ORDER OF SERVICE**

KATHERINE POLK FAILLA, District Judge:

Plaintiff brings this *pro se* action under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 1981, and the New York State and City Human Rights Laws, alleging that her former employer discriminated against her based on her race, color, and national origin. By order dated April 13, 2023, the Court granted Plaintiff's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees.

**DISCUSSION**

Because Plaintiff has been granted permission to proceed IFP, she is entitled to rely on the Court and the U.S. Marshals Service to effect service.<sup>1</sup> *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process ... in [IFP]

---

<sup>1</sup> Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served summonses and the complaint until the Court reviewed the complaint and ordered that summonses be issued. The Court therefore extends the time to serve until 90 days after the date summonses are issued.

cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

To allow Plaintiff to effect service on Defendants Rose Associates Inc., Rose Associate Capital Group LLC, Amy Rose, Frank Balogh, Kathy Panaro, Adam Heaven, and Kyle Maldiner through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for Defendants. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendants.

If the complaint is not served within 90 days after the date the summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if her address changes, and the Court may dismiss the action if Plaintiff fails to do so.

### **CONCLUSION**

The Clerk of Court is instructed to issue summonses, complete the USM-285 forms with the addresses for Rose Associates Inc., Rose Associate Capital Group LLC, Amy Rose, Frank Balogh, Kathy Panaro, Adam Heaven, and Kyle Maldiner, and deliver all documents necessary to effect service to the U.S. Marshals Service.

The Clerk of Court is further directed to mail an information package to Plaintiff, and to mail a copy of this Order to Plaintiff's address of record.

SO ORDERED.

Dated: April 14, 2023  
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

---

KATHERINE POLK FAILLA  
United States District Judge

**DEFENDANTS AND SERVICE ADDRESSES**

1. Rose Associates Inc.  
777 Third Ave., 6th Floor  
New York, NY 10017
2. Amy Rose  
777 Third Ave., 6th Floor  
New York, NY 10017
3. Frank Balogh  
777 Third Ave., 6th Floor  
New York, NY 10017
4. Kathy Panaro  
777 Third Ave., 6th Floor  
New York, NY 10017
5. Adam Heaven  
777 Third Ave., 6th Floor  
New York, NY 10017
6. Kyle Maldiner  
777 Third Ave., 6th Floor  
New York, NY 10017
7. Rose Associates Capital Group LLC  
777 Third Ave., 6th Floor  
New York, NY 10017